

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gregory G. Griese et al.
Docket No.:	117P45USD2
Filed:	herewith
Title:	PRODUCT DISPENSER AND CARRIER

Cover Letter for Declarations

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The enclosed copies of the declarations are for the previously filed Application No. 10/121,440, filed April 10, 2002. Three declarations were filed in this previously filed application.

The first declaration was filed unexecuted on April 10, 2002 and is included in Exhibit 1. The second declaration was filed on June 24, 2002 in reply to the Notice to File Missing Parts of Nonprovisional Application and is included in Exhibit 2. The third declaration was filed on November 25, 2003 with a Request to Correct Inventorship under 37 CFR 1.48(a)(1), a Statement of Lack of Deceptive Intent under 37 CFR 1.48(a)(2), and the Assignee Consent to Deletion of an Inventor under 37 CFR 1.48(a)(5). Copies of these documents relating to the correction of inventorship are also enclosed and are included in Exhibit 3.

The specification and drawings submitted for the continuation application do not contain any subject matter that would have been new matter in the previous application.

Respectfully submitted,

GREGORY G. GRIESE ET AL.

Date:

02/12/2004

By:

Robin A. Sannes

Robin A. Sannes

Reg. No.: 45,070

IPLM Group, P.A.

P.O. Box 18455

Minneapolis, MN 55418

Telephone: (612) 331-7419

MAU & KRULL, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **PRODUCT DISPENSER AND CARRIER**

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- a. ☒ is attached hereto
- b. ☐ was filed on as application serial no. and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

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Mau & Krull, P.A.
1250 Moore Lake Drive East
Suite E
Fridley, Minnesota 55432

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0	Residence & Citizenship	City Hudson	State or Foreign Country Wisconsin	Country of Citizenship U.S.A.
1	Post Office Address	Post Office Address 734 Gherty Lane	City Hudson	State & Zip Code/Country Wisconsin 54016/U.S.A.
Signature of Inventor 201:				Date:
2	Full Name Of Inventor	Family Name Thomas	First Given Name John	Second Given Name E.
0	Residence & Citizenship	City River Falls	State or Foreign Country Wisconsin	Country of Citizenship U.S.A.
2	Post Office Address	Post Office Address 1019 E. Hazel Street	City River Falls	State & Zip Code/Country Wisconsin 54022/U.S.A.
Signature of Inventor 202:				Date:
2	Full Name Of Inventor	Family Name Chute	First Given Name Brian	Second Given Name A.
0	Residence & Citizenship	City Inver Grove Heights	State or Foreign Country Minnesota	Country of Citizenship U.S.A.
3	Post Office Address	Post Office Address 8672 Bechtel Avenue	City Inver Grove Heights	State & Zip Code/Country Minnesota 55076/U.S.A.
Signature of Inventor 203:				Date:

204	2	Full Name Of Inventor	Family Name Netschke	First Given Name Kathryn	Second Given Name A.
	0	Residence & Citizenship	City Minneapolis	State or Foreign Country Minnesota	Country of Citizenship U.S.A.
	4	Post Office Address	Post Office Address 1414 Laurel Avenue L113	City Minneapolis	State & Zip Code/Country Minnesota 55403/U.S.A.
Signature of Inventor 204:				Date:	
205	2	Full Name Of Inventor	Family Name Hubig	First Given Name Stephan	Second Given Name M.
	0	Residence & Citizenship	City Maplewood	State or Foreign Country Minnesota	Country of Citizenship Germany
	5	Post Office Address	Post Office Address 733 Burke Avenue East	City Maplewood	State & Zip Code/Country Minnesota 55117/U.S.A.
Signature of Inventor 205:				Date:	
206	2	Full Name Of Inventor	Family Name Klos	First Given Name Terry	Second Given Name J.
	0	Residence & Citizenship	City Victoria	State or Foreign Country Minnesota	Country of Citizenship U.S.A.
	6	Post Office Address	Post Office Address 8135 Trillium Circle	City Victoria	State & Zip Code/Country Minnesota 55386/U.S.A.
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207	2	Full Name Of Inventor	Family Name Lerbs	First Given Name Jamie	Second Given Name W.
	0	Residence & Citizenship	City Mendota Heights	State or Foreign Country Minnesota	Country of Citizenship U.S.A.
	7	Post Office Address	Post Office Address 2252 Rogers Court	City Mendota Heights	State & Zip Code/Country Minnesota 55120/U.S.A.
Signature of Inventor 207:				Date:	
208	2	Full Name Of Inventor	Family Name Wilhelmson	First Given Name Trevor	Second Given Name J.
	0	Residence & Citizenship	City Inver Grove Heights	State or Foreign Country Minnesota	Country of Citizenship U.S.A.
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209	2	Full Name Of Inventor	Family Name Russell	First Given Name Scott	Second Given Name T.
	0	Residence & Citizenship	City Woodbury	State or Foreign Country Minnesota	Country of Citizenship U.S.A.
	9	Post Office Address	Post Office Address 3138 Meadowbrook	City Woodbury	State & Zip Code/Country Minnesota 55125/U.S.A.
Signature of Inventor 209:				Date:	

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

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- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
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 - (ii) Asserting an argument of patentability.

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- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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Signature of Inventor 204:

Kathryn Netschke

Date:

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Signature of Inventor 205:

Stephan Hubig

Date:

6-3-02

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Signature of Inventor 206:

Terry Klos

Date:

6/4/02

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Signature of Inventor 207:

Jamie Lerbs

Date:

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Signature of Inventor 208:

Trevor Wilhelmson

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Signature of Inventor 204:

Stephan M. Hubig

Date: 7/8/03

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Signature of Inventor 205:

Terry J. Klos

Date: 7/8/03

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Signature of Inventor 206:

Jamie W. Lerbs

Date: 7-8-03

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Date: 8-11-03

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application:

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.